

COMMISSIONERS APPOINTED

TO ADJUST THE DIFFERENCES BETWEEN
EAST ORANGE AND THE WATER CO.

Over the Sale of the latter's Plant
to the City—Two Bloomfielders on
the Commission—A Matter of Local
Importance

Chief Justice Gummere has appointed Amzi Dodd and Thomas Oakes of this town and Eugene Vanderpool of Newark members of a commission to adjudicate the differences between the city of East Orange and the Orange Water Company over the price to be paid by the city to the water company for the purchase of the latter's plant and equipment and the surrender of its franchise.

The commissioners are exceptionally well qualified for the duty imposed upon them by the Court. Collectively they represent a body of men whose long and wide experience in business life particularly fits them for dealing with the questions of equity, finance and mechanics involved in the problem they have been appointed to solve.

Mr. Dodd, who until recently was President of the Mutual Benefit Life Insurance Company, and is now its general counsel, was formerly a Vice-Chancellor of New Jersey and a Judge of the Court of Appeals, and is a lawyer of distinction.

Mr. Vanderpool is President of the Howard Savings Bank, a former President of the Newark Gas Company, is Treasurer of the Essex County Park Commission, and is an expert engineer.

Mr. Oakes is President of the Bloomfield National Bank, and is prominently identified with the commercial life of this town, and as a manufacturer is familiar with the value of machinery and power-plant equipment.

The water company has asked the sum of \$800,000 for what the city has expressed a desire to purchase from it. An expert employed by the city has estimated the value of what the city wants, exclusive of the franchise, at \$353,500.02.

The Water Company is determined to make strenuous resistance against being compelled to surrender its property for a lesser amount than they claim for its value, and the town is equally determined that what it characterizes as an exorbitant price will not be seriously considered by the commissioners. Both sides have enlisted the services of some of the ablest legal talent in the city. City Counsel Philemon Woodruff of South Orange having retained Richard Lindbury, of Lindbury, Dupue & Faulk, to assist him in the case, while the water company has engaged Munn & Church to look after its interests in the contest.

That part of the water company's equipment that is contemplated in the East Orange purchase consists of fifty-nine miles of water mains, 329 fire hydrants, 1,600 "specials," and about 5,000 house connections.

The city of East Orange is desirous of purchasing the company's property to operate it for the town's benefit, and the company is willing to surrender it if the amount at which it is appraised by them is given in exchange. This sum—\$800,000—is considered exorbitant by the town officials, and when it was seen that negotiations for the purchase could not result satisfactorily to either side, condemnation proceedings were instituted under the act of 1876 governing matters of this character.

It is thought that the work of the commissioners will not prove laborious, as it will be necessary only to consult the plans of the distributing system and hear a little testimony. The importance of the matter at issue was recognized by Judge Gummere in making his appointments, and he so announced at the time.

The settlement of the controversy between East Orange and the water company will have an important bearing on the new water contract to be made here.

TOWN COUNCIL

FINAL SESSION OF THE PRESENT
COUNCIL

Marked by a Spirited Debate over a
Question of Drainage—Money Voted
to the Health Board—Water Mains
for People's Park—Bids Called for
Morton Street Sewer.

The Town Council of 1901-1902 held its final session on Monday evening. Councilman-at-Large-elect George Peterson was among the spectators present at the meeting, and Chairman Ward courteously invited him to a seat at the head of the Council table.

Councilman Farrand asked if the clerk had received any word from the real estate agent of the Lackawanna Railroad Company in regard to the location of the police station on the company's property. The clerk reported that no reply had been received from the company.

Theodore Harvey's claim for damage to his horse by reason of injuries sustained by the animal falling into an open sewer trench was reported settled.

Councilman Farrand in his report on street matters recommended that the Road Committee be authorized to complete a drain across Montgomery Street and leading to Second River. This proposition led to one of the most animated discussions in the history of the retiring Council. From the various statements made during the discussion it appears that some years ago, sixty years, it was said, a drain was constructed for the purpose of carrying off the surface water from a large area of property north and east of Montgomery and John Streets. The drain crossed under Montgomery Street, and was continued down to Second River, or what was then known as Willet's Pond. When the sewer was constructed in Montgomery Street the drain was broken and never repaired.

The consequence was a large accumulation of water on the properties formerly benefited by the drain following every rain-storm of any consequence. The surface water of Montgomery Street, Davy Street, Morton Street, and John Street converged at or near the old drain course. Much complaint was made by aggrieved property-owners about the bad condition of affairs there, and Chairman Farrand of the Road Committee undertook to apply a remedy by reopening the drain, and leading it to Second River through a twenty-inch vitrified pipe.

Contractor Callaban was directed by the Road Committee to do the work. The estimated cost including the pipe, was between three and four hundred dollars.

Councilman Conlan, when he heard of the work being done by the Road Committee, visited the place on Friday of last week, and his opinion was that the drain was calculated to be more in the interest of private property-owners than of necessary benefit to the street, and he called on Chairman Ward, and both were of the opinion that the construction of the drain involved work beyond the legal power of the Council to carry out, and it was ordered stopped.

In his statement to the Council on Monday night, Mr. Farrand defended his action on the ground that the overflow of property in the vicinity of the drain had been a source of frequent complaint to the Council and had been referred to the Road Committee, so he understood, to remedy it, and as the drain that was broken was an old established one, and was broken by the town in putting down a sewer, he assumed that it was the moral duty of the town officials to remedy the trouble that had been caused by a town act, and to relieve the suffering property-owners, and by repairing the drain threatened lawsuits against the town were avoided.

Chairman Ward asked on what grounds the complainants expected to get damages from the town.

Mr. Farrand replied on the ground that the town was responsible in the first instance for the breaking and stoppage of the drain. The Town Attorney, Mr. Farrand said, had approved of the action of the Road Committee.

Mr. Halfpenny stated his understanding of the case, and said that the redress of injured property-owners was against the parties responsible for the stoppage of the drains.

Chairman Ward asked the Attorney as to the extent of the town's obligations in the matter.

Mr. Halfpenny replied that the town's obligations only applied to the street.

Councilman Conlan, who was firmly of the opinion that the construction of the drain was beyond the legal power of the Council, asked if there had been any appropriation made for meeting the cost.

Councilman Unangst asked as to the probable cost of the drain, and if the matter had ever been brought before the Town Council for action.

Chairman Ward, in reply to the first

query from Mr. Unangst, estimated the cost at about three hundred dollars, and Councilman Thompson, in reply to the second question, said that he was of the opinion that the matter had been before the Council and was referred at the time to the Road Committee with power.

Mr. Farrand stated that he was also of that opinion, but on looking over the Council minutes he could find no record of such action.

Councilman Harrison supported the action of the Road Committee. The drain, he said, was originally constructed many years ago for the benefit of the property it drained. The town authorities broke the drain and destroyed its usefulness, and the accumulation of stagnant water was a nuisance to the people in the neighborhood, and was also a menace to the public health, and in his estimation the party responsible for the nuisance should restore the drain to the full extent of its former usefulness.

Mr. Farrand, in reply to an inquiry from Mr. Unangst as to whether or not the action of the Road Committee establishing a precedent, said that there was no ground for a precedent, as the matter simply resolved itself into a question of the town's repairing damage done by the town.

Chairman Ward who adhered to a strict construction of the town obligation in the case contended that when the town restored the drain between the extremes of the street lines its obligation ended and the extension of the drain beyond that was a matter of the property-owners to settle among themselves.

Mr. Conlan contended that the Batzle case in Thomas Street was a parallel case with that of Montgomery Street, and if the town had a right to construct a drain for the benefit of Montgomery Street property-owners it had the same right to relieve Mr. Batzle and others, but, continued Mr. Conlan, the Road Committee in its report on the Batzle petition said that the only means of relief for Mr. Batzle was by the assessment of the cost of the construction of a drain on the property benefited.

Mr. Farrand contended that the Batzle case was not parallel with the Montgomery Street case as there was no established drain on the premises, and Mr. Batzle's grievance was not due to a negligent act on the part of the town. The debate closed at this point and a vote was taken on Mr. Farrand's motion.

Messrs. Thompson, Harrison, and Farrand voting aye, and Messrs. Wood, Unangst, and Conlan voting nay. Chairman Ward declared the motion lost. Mr. Conlan then moved that the Road Committee restore the drain in the Street.

Councilman Harrison read a communication from the Board of Health asking for \$500 to defray bills incurred by the Board. The money was voted.

Councilman Thompson reported that the survey of the boundary line between this town and Belleville had been made by the official engineer of the latter town, and he called on Town Surveyor Olmsted for a statement. Mr. Olmsted said that the "angles" named in the original survey had all been established and some changes would be necessary in the assessment map.

Mr. Farrand asked which town was the gainer by the survey. Mr. Olmsted replied that Belleville was especially in the particular case that prompted the survey. This led Mr. Unangst to remark that the result of the survey was highly satisfactory to Mr. Edward Schwerdt.

Mr. Conlan inquired if it was the proper way to establish a boundary line by accepting the work of the paid employee of one of the interested parties to the dispute.

Mr. Olmsted said that there was nothing wrong about it except the result of the findings was disputed.

Mr. Thompson said that there was no objection to Mr. Conlan's having a third engineer go over the ground if he was dissatisfied with the survey.

Mr. Conlan said he had no fault to find with the survey, but his question related to the legal establishment of the boundary line.

On motion of Mr. Thompson of the Sewer Committee, the clerk was instructed to advertise for bids for the construction of the Morton Street sewer.

A. H. Olmsted was named by the Council as engineer to superintend the opening of Jerome Place.

Councilman Harrison reported that the owners of Park Place had complied with the conditions imposed by the Town Council as a preliminary to ordering water mains laid in the park streets, and the Water Committee was authorized to order the water main laid.

The Road Committee on motion of Mr. Farrand, was empowered to grade Charles Street in accordance with the petition for opening and widening that street.

